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RUEKJCS/JOINT STAFF WASHDC PRIORITY  
RUEHLMC/MILLENNIUM CHALLENGE CORP WASHINGTON DC PRIORITY 0892  
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C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 000087

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SUBJECT: HONDURAN CONGRESS SELECTS NEW ATTORNEY GENERAL

REF: TEGUCIGALPA 56

Classified By: Ambassador Hugo Llorens, reasons 1.4 (b & d)

¶1. (C) Summary. The Honduran Congress elected Luis Alberto Rubi Avila and Roy David Urtecho Lopez as new Attorney General and deputy, respectively, on February 8 from candidates selected by a constitutionally-mandated proposing board. Following tradition, the two candidates each come from one of the two major parties and alternated the party split from the last Attorney General and deputy. Neither is well-known publicly, but they are party stalwarts. Both appear to have good reputations, at least at this early stage. The positions are important for a number of Embassy programs. Congress moved surprisingly quickly on the nominations, probably reflecting a desire to avoid a fight similar to the one that took place over the recent Supreme Court election and to avoid public debate on the candidates' qualifications. End Summary.

¶2. (U) The Honduran Congress elected Luis Alberto Rubi Avila and Roy David Urtecho Lopez as the country's new Attorney General and Assistant Attorney General, respectively on February 8 from a list of candidates submitted by a constitutional-mandated board consisting of independent government and university officials. The two main parties, Liberal and National, came to an agreement on the candidates based on the custom of selecting one from each party and alternating per term. As a National served as Attorney General last term, it was the Liberal's turn; Rubi was their candidate. The Nationalists chose Urtecho. Both are well connected within their parties. Rubi's mentor is former President Carlos Flores, who continues to hold great influence over the party and is also a mentor of Liberal presidential candidate Elvin Santos. Rubi is a former Congress deputy and was a member of the country's Supreme Court from 1998 to 2002. Most recently he has been in private practice. Urtecho has been serving as an appellate court judge and teaching law at the national university.

¶3. (U) The list submitted to the Congress contained the names of two Liberal Party candidates, Rubi and Gilberto Ochoa, and three National Party candidates, Urtecho, Javier Rafael Soto, Norma Iris Coto and Roy Urtecho. While the nominating board had only five days to propose candidate, the Congress

actually had 30 days to make a decision; it, however, chose to act in two. The "Proposing Board," as mandated by the constitution, consisted of newly selected Chief Justice of the Supreme Court Jorge Rivera Aviles; a second member of the court, Victor Manuel Martinez Silva; Honduran Bar Association President Oscar Garcia; Human Rights Ombudsman Dr. Ramon Custodio; and Carlos Avila Molina, Rector of the private university Jose Cecilio del Valle. Candidates could only be nominated by board members; each was entitled to submit five names. During a week of meetings the list of 25 was whittled down to five final candidates, which were submitted to Congress on time on February 7.

¶4. (C) Comment: The two new officials are not well known to the Embassy. However, at first light they appear to have good reputations and we will work to establish a good working relationship with them. The positions are key to our anti-narcotics and other anti-crime programs. In addition, much of our work on improving the justice sector depends on their cooperation.

¶5. (C) Comment continued: Congress' fast election of the two figures kept the selection from becoming a drawn-out political fight, as happened with the Supreme Court selection in January, which led to a near constitutional crisis (reftel). It is unlikely that the country's political leaders savored another fight so quickly after the court issue. Another likely reason for the haste was to reduce the chance for public debate on the candidates' qualifications. Some sources have suggested that political leaders wanted to move

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while President Zelaya was at a retreat in a remote part of La Mosquitia in order to lessen his influence. We doubt, however, that the Congress would have selected a candidate with whom Zelaya was not comfortable. Reportedly, one of Zelaya's concerns is that a future Attorney General will investigate him and members of his Administration for alleged misdeeds. While he may not have the current political clout to pick a candidate, we suspect he was given an opportunity to vet them.  
LLORENS